

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,982

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her food stamps and fuel assistance. The issue is whether the Department has correctly calculated the petitioner's shelter expenses following her move to subsidized housing.

FINDINGS OF FACT

In June, 1994, the petitioner obtained a subsidized housing rental. In her old apartment the petitioner paid rent of \$410.00 a month. Her new apartment is \$215.00 a month.

Initially, the Department reduced petitioner's food stamps from \$100.00 to \$37.00 a month because of her decreased shelter expenses, and it terminated the petitioner's fuel assistance because the rules in effect at

that time precluded eligibility for certain individuals in subsidized housing.

Following the petitioner's request for a fair hearing the Department revised its decisions, reducing the petitioner's food stamps effective August 1, 1994, to \$50.00 a month⁽¹⁾ and finding her eligible for fuel assistance of \$63.00.⁽²⁾ Both of these revised amounts, however, still constitute a significant reduction from the amounts the petitioner received before she moved.

ORDER

The Department's decision is affirmed.

REASONS

Considering the petitioner's income and expenses the Department's calculations of her benefits under both the food stamp and fuel assistance programs appear to be correct. See Procedures Manual §§ 2590 and 2905. The petitioner is understandably concerned that the benefit of her obtaining subsidized

housing was undercut by the reductions in her food stamps and fuel assistance.⁽³⁾ However, inasmuch as the Department's determinations are in accord with the pertinent regulations they must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 19, and Food Stamp Fair Hearing Rule No. 17.

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1. The Department allowed the petitioner certain medical expense deductions from her income that the petitioner had not brought to the Department's attention previously. At the hearing the petitioner was advised that if she could document such expenses prior to August, 1994, she should request a restoration of food stamps for those months, and that she could request another fair hearing if the Department denied her those benefits.
2. Recent changes in the fuel assistance regulations do not categorically deny eligibility for fuel assistance to residents of subsidized housing.
3. According to the Department's calculations, the petitioner still has a net gain in benefits of \$113.00 a month.